

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

<b>MARK A. DIAZ AND MELISSA DIAZ</b>	<b>§</b>	
Plaintiff,	§	
	§	<b>Civil Action No. 5:17-cv-745-rg</b>
<b>v.</b>	<b>§</b>	
<b>US BANK NATIONAL ASSOCIATION, ITS SUCCESSOR IN INTEREST OR ASSIGNS AND ITS APPOINTED SUBSTITUTE TRUST</b>	<b>§</b>	
Defendants.	§	

**AGREED CONSENT JUDGMENT AND WRIT OF POSSESSION**

Pursuant to the terms and conditions of the Settlement Agreement and Release (“Agreement”) entered into between U.S. Bank Trust, N.A. (“US Bank”) and Mark A. Diaz and Melissa Diaz (“Diaz”)(collectively “the Parties”) on the 30<sup>th</sup> day of November, 2018, Diaz agrees to vacate the real property located at 4823 Shade Creek, San Antonio, Texas 78238 (the “Property”) and more particularly described as follows:

**LOT 32, BLOCK 13, NEW CITY BLOCK 18633, TWIN CREEK, UNIT 3 IN  
THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, ACCORDING  
TO THE PLAT THEREOF RECORDED IN VOLUME 7300, PAGE(S) 209-  
210, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.**

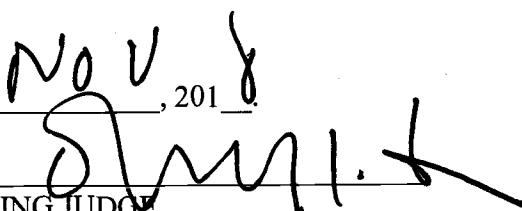
on the 28<sup>th</sup> day of November, 2018.

In the event Diaz does not vacate the Property by that date, US Bank shall be entitled to a Writ of Possession issued in accordance with Texas Rule of Civil Procedure 310. Diaz hereby waive any right to contest such eviction, and waives any right to any notice or court hearing in connection with any eviction proceeding prior to the issuance and/or execution of a Writ of Possession.

If any person occupying the Property fails to surrender possession of the premises by

November 28, 2018, US Bank, or its successors or assigns, shall be entitled to a Writ of Possession issued in accordance with Texas Rule of Civil Procedure 310. Diaz hereby waive any right to any notice or court hearing in connection with any eviction proceeding, prior to the issuance and/or execution of a Writ of Possession.

SO ORDERED this 11 day of November, 2018

  
PRESIDING JUDGE

CONSENTED TO:

**BARRETT DAFFIN FRAPPIER  
TURNER & ENGEL, LLP**

By: /s/Crystal G. Gibson  
Crystal G. Gibson  
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ATTORNEY FOR US BANK, N.A.

Date: 11/01/2018

MCKINIGHT & BRAVENEC

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Edward Bravenec  
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ATTORNEYS FOR PLAINTIFFS

Date: 11/01/2018